

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

No. 96781-4

AMERICAN HOTEL & LODGING ASSOCIATION, SEATTLE HOTEL
ASSOCIATION, and WASHINGTON HOSPITALITY ASSOCIATION,

Respondents,

v.

CITY OF SEATTLE,

Petitioner,

and

UNITE HERE! LOCAL 8; SEATTLE PROTECTS WOMEN,

Petitioners.

**RESPONDENT AMERICAN HOTEL & LODGING
ASSOCIATION, SEATTLE HOTEL ASSOCIATION, AND
WASHINGTON HOSPITALITY ASSOCIATION'S
EMERGENCY MOTION TO CHANGE ARGUMENT SETTING**

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Association*

MOTION

Pursuant to RAP 17.4(b) (Emergency Motion) and RAP 11.3 (Date of Argument – Rescheduling) and for good cause shown below, American Hotel and Lodging Association, the Seattle Hotel Association, and the Washington Hospitality Association move for an order continuing the date for oral argument in this matter until the next session of the Court. The City of Seattle has confirmed it does not oppose this motion.¹ This motion should be decided on an emergency basis because argument is scheduled for next week.

The City of Seattle adopted Seattle Municipal Code Chapter 14.25 by Initiative 124 in November 2016. The associations challenged I-124 on several grounds, including that the whole measure violated the single subject rule, that one section required hotels to violate the privacy and due process rights of Seattle hotel guests, and that another section was preempted by the Washington Industrial Safety and Health Act. In June 2016, the King County Superior Court granted summary judgment rejecting these claims, and the associations appealed. On December 14, 2018, the Court of Appeals, Division I, reversed and invalidated SMC

¹ Harry Korrell declares under penalty of perjury under the laws of Washington that the facts set forth in this motion are true and correct and evidences such by his signature on this motion.

14.25. This court accepted review, and argument is set for next week, September 17, 2019.

Based on the recent proceedings of the Seattle City Council's Housing, Health, Energy, and Workers' Rights Committee, it now appears the Council will very soon adopt four new ordinances (CB 119554, CB 119555, CB 119556, CB 119557) to replace I-124 and repeal it. It is likely the replacement legislation will be passed on September 16, 2019, the day before argument in this Court. *See* <https://www.seattlechannel.org/mayor-and-council/city-council/city-council-all-videos-index/?videoid=x106912> (Housing, Health, Energy, and Workers' Rights Committee Meeting, 9/5/2019) (C.M. Mosqueda indicates at 3:03:35 – 3:06:50 that the four replacement ordinances will be considered and voted out of committee on September 12, 2019); <http://seattlechannel.org/CouncilBriefings> (C.M. Mosqueda indicates at 14:35-15:59 the committee's goal of passing the four pieces of legislation out of committee on 9/12 and bringing them to the full Council on 9/16/2019).

The associations therefore ask this Court to delay oral argument to allow the City's legislative process to proceed. Depending on what the City Council passes, some or all of this case may be moot before argument and certainly before this Court issues a decision in this case. It would save

this Court's resources and the resources of the parties to wait to conduct argument until after the City Council completes its action on the measures now before it.

The City of Seattle has confirmed by telephone that it does not oppose this motion.²

Good cause having been shown, pursuant to RAP 11.3(b) the associations request an order postponing the date for oral argument until the next session of this Court or such time thereafter as may be convenient for the Court.

RESPECTFULLY SUBMITTED this 9th day of September, 2019.

Davis Wright Tremaine LLP

By /s/ Harry J. F. Korrell

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² On Monday, September 9, counsel for the associations informed the City Attorney's office that they proposed to file this motion. The City Attorney reported that the City did not oppose the request but that Intervenor Petitioners would oppose it. Counsel for the associations notified the City Attorney and counsel for the Petitioner Intervenor directly by email on September 9, 2019, at 4:00 p.m. that the associations would file this motion. Shortly thereafter, counsel for the associations provided a copy to all parties by email.

CERTIFICATE OF SERVICE

The undersigned declares under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On this date, I caused to be served in the manner noted below, a copy of the Appellants American Hotel & Lodging Association, Seattle Hotel Association, and Washington Hospitality Association's Answer to State of Washington's Amicus Brief on the following:

Via E-file Notification

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Executed this ____ day of September, 2019, in Seattle, Washington.
